

APPLICATION GRANTED

SO ORDERED



VERNON S. BRODERICK

U.S.D.J. 5/4/2023

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There is a common law right of access to judicial documents, which are materials “relevant to the performance of the judicial function and useful in the judicial process.” *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006). Thus, courts in this District have found that documents that do not seek relief from the court are not judicial documents. *See, e.g., In re Commodity Exch., Inc. Gold Futures & Options Trading Litig.*, No. 14-MD-2548, 2020 WL 7342675, at *1 (S.D.N.Y. Dec. 13, 2020). The pre-motion letter Keurig seeks to redact merely summarizes a planned future motion without seeking relief from the court. I therefore find that a right of public access does not attach to the document. Accordingly, Keurig’s motion is GRANTED.

VIA ECF

Hon. Vernon S. Broderick, U.S.D.J.
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

Re: *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, MDL No. 2542;
Letter Motion to Seal Portions of Keurig’s Pre-Motion Letter

Your Honor:

I write on behalf of Keurig Green Mountain, Inc. (“Keurig”) pursuant to Section 5.B.iii. of Your Honor’s Individual Rules & Practices in Civil Cases to request that the Court seal portions of Keurig’s Pre-Motion Letter regarding Summary Judgement in the *BJ’s* and *Winn-Dixie* Actions (the “Letter”). The sealing request is made solely to protect confidentiality interests asserted by Plaintiffs, and Keurig reserves its rights. Keurig files with this Letter its proposed redactions.

Keurig requests that the highlighted portions in the Letter be redacted. The yellow highlighted portions of the letter reference material that BJ’s and Winn-Dixie designated Confidential under the Protective Order. ECF No. 496. The blue highlighted portions relate to Plaintiff material that the Court has previously authorized to be sealed. ECF No. 1978 at 38 (granting request to seal ECF No. 1801-23). Keurig’s sealing request is tailored to protect Plaintiffs’ asserted confidentiality interests in these materials.

Respectfully submitted,

/s/ Carl Lawrence Malm

Carl Lawrence Malm

cc: All counsel of record (By ECF)